



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held July 3, 2007, the Board took the following action:

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Supervisor Burke made the following statement:

“On January 30, 2007, the Board unanimously approved my motion in support of State legislation that would promote the availability of calorie and nutritional labeling by requiring retail food facilities to post this information on their menus and menu boards. Senate Bill 120 (Padilla) which would require nutritional labeling in California has passed the Senate and is now in the Assembly awaiting approval.

“In December 2006, New York City amended its health code to require restaurants that already make calorie information publicly available for standardized menu items to post this information on menus and menu boards. The new law was scheduled to take effect on July 1, 2007, but several weeks ago the New York State Restaurant Association filed suit in the United States District Court for the Southern District of New York, seeking to block implementation of the law. The New York Restaurant Association’s suit challenges the City code on two grounds, Federal pre-emption and the First Amendment. New York City has asked for amicus support from various cities and counties. In response, the San Francisco office of the City Attorney has taken the lead in drafting an amicus brief, which must be submitted by July 5, 2007.

“A number of states and localities have menu-labeling measures pending and there is a compelling need to assure that they have a right to legislate in this area.”

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Therefore, on motion of Supervisor Burke, seconded by Supervisor Antonovich, duly carried by the following vote: Ayes: Supervisors Molina, Burke, Antonovich and Yaroslavsky; Noes: Supervisor Knabe, County Counsel was instructed, in consultation with the Chief Executive Officer and the Director of Public Health, to take action to join the San Francisco City Attorney's amicus brief in the case entitled New York State Restaurant Association v. New York City Board of Health, et al., after review and concurrence by County Counsel with the legal arguments contained in the brief, in order to protect the ability of the State of California to implement nutritional labeling requirements.

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Copies distributed:

- Each Supervisor
- Chief Executive Officer
- County Counsel
- Director of Public Health